

## Boone County Board of Zoning Appeals

# Appeal of Director's Decision

### STEP ONE: APPLICATION

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After the Director has made a decision, persons may appeal a director's decision if believed to be incorrect or inconsistent with the zoning ordinance. A letter stating that an appeal of the director's decision is requested, a letter arguing the decision and the appropriate action desired by the Board of Zoning Appeals, and all required Attachments are to be submitted by 4:00pm of the posted deadline date, as shown on the Board of Zoning Application Schedule (see page 3). Please submit the application, attachments, and associated fees to the Area Plan Commission Office, 116 Washington Street, Room 101, Lebanon, Indiana. The APC Staff shall determine whether the application is complete. If the application is not complete, the applicant will be notified of the deficiencies. Applications submitted or completed after the posted deadline date will be placed on the next month's application cycle. The anticipated agenda date will be used in all public notice requirements.

- **Application Fee \$50 (Payment of Required Fees Due Post TAC Approval)**

### PUBLIC NOTICE PROCEDURES:

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#### Newspaper Advertisement

- Complete **Form: Notice of Public Hearing for Newspaper.**
- Publish the completed form in either the Lebanon Reporter or the Zionsville Times Sentinel at least 15 days prior to the BZA meeting, please make sure to give yourself ample time according to the Application Schedule (see page 3.)
  - Lebanon Reporter - daily publication. (765) 482-4650. Legal notices are due by 12:00 noon five days in advance of the desired publication date.
  - Zionsville Times Sentinel - Wednesday only publication. (317) 873-6397. Legal notices are due by 5:00pm on the Friday before the Wednesday publication.
- Submit proof of your newspaper advertisement to the Area Plan Commission Office according to the Application Schedule (see page 3.)
- Failure to submit proof of advertisement after the posted deadline will automatically table the application's hearing until the next meeting of the BZA.



#### Surrounding Property Owner Notification

- The next business day following the filing deadline, staff will contact you with the names and addresses of all property owners within 660 feet of the subject property.
- Complete **Form: Notice of Public Hearing for Surrounding Property Owners.**
- Mail a Certified Letter (return receipts and green cards) to each of the listed property owners at least 15 days prior to the BZA meeting, please make sure to give yourself ample time according to the Application Schedule (see page 3.) Include the form and its necessary attachments.
  - Staff can prepare the copies of the letters for a fee of \$0.10 per page. Necessary postage and timely mailing are the responsibility of the applicant.
- If your property borders or comes close to the Boone County line, it is your responsibility to locate properties within the 660-foot radius that fall outside of the county and their corresponding owners. Contact numbers for this information are as follows:
  - Hamilton County (317) 776-9624
  - Clinton County (765) 669-6330
  - Montgomery County (765) 364-6400

- Hendricks County (317) 746-9300
- Marion County (317) 327-3001.

- Submit proof of property owner notification (green cards and/or return receipts) to the Area Plan commission Office according the Application Schedule (see page 3.)
- Failure to submit proof of notice after the posted deadline will automatically table the application's hearing until the next meeting of the BZA.

## **STAFF REPORT AND AGENDA**

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After a thorough examination of information in the public record and findings from additional research, staff shall release the Staff Report and Agenda providing analysis of each agenda item. Such report shall be released along with the agenda 10 days prior to the hearing according to the Application Schedule (see page 3.) All additional documents to be studied and considered by staff for use in the Staff Report should be submitted no less than 15 days prior to the hearing according to the Application Schedule (see page 3.) Any interested party may provide support documentation to be delivered to the BZA members along with the Staff Report. To do so, the party must provide 10 copies of each document, which should be submitted no less than 15 days prior to the hearing. According to the Application Schedule (see page 3.)

## **BOARD OF ZONING APPEALS HEARING**

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The BZA shall follow their adopted Rules of Procedure for the hearing, a copy of which is available at the APC office. Public hearings of the BZA are generally held the forth each month at 7:00 p.m. at the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana. Always check with the APC office to verify the exact meeting date, place, and time should a conflict occur.

When your request comes up on the agenda, the following procedure is followed:

You are asked to present your request to the Board. You may employ an attorney for this purpose or do it yourself. You may use any maps or graphics that will assist you in the presentation. If the Board members need additional information, they will ask questions regarding your request. Per the Boone County Zoning Ordinance and Indiana Code 36-7-4-921(a)(5), the BZA may require the owner of the parcel to make written commitments concerning the use or development of that parcel. These commitments must be recorded with the Boone County Recorder prior to the issuance of a building permit.

Per Indiana Code 36-7-4-912, the BZA shall make written Findings of Fact, which is the BZA's decision based upon their interpretation of the Conditions for Evaluating your Appeal of Directors Decision listed in your Letter. Within 10 business days of the BZA hearing, Staff will send you a copy of the written Findings of Fact.

## BOARD OF ZONING APPEALS APPLICATION SCHEDULE -- 2022

The following table depicts the deadlines for petitions before the BZA. Deviations from this schedule are not permitted without approval from the Board. Public hearings of the BZA are generally held the forth each month at 7:00 p.m. at the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana. Always check with the APC office to verify the exact meeting date, place, and time should a conflict occur.

BZA Schedule 2022								
Filing deadline	TAC 1:30 pm	Absolute last day to submit info requested at TAC for review to be in staff report	Last day for public notice to be published	Agenda & Staff Report published	Last day to submit info to the file (not to be in staff report)	Last day to submit proof of notification	Public Hearing	
17-Dec-21	5-Jan-22	11-Jan-22	11-Jan-22	18-Jan-22	21-Jan-22	21-Jan-22	26-Jan-22	
14-Jan-22	26-Jan-22	11-Feb-22	8-Feb-22	15-Feb-22	18-Feb-22	18-Feb-22	23-Feb-22	
18-Feb-22	23-Feb-22	11-Mar-22	8-Mar-22	16-Mar-22	16-Mar-22	18-Mar-22	23-Mar-22	
25-Mar-22	30-Mar-22	8-Apr-22	12-Apr-22	20-Apr-22	20-Apr-22	22-Apr-22	27-Apr-22	
22-Apr-22	27-Apr-22	10-May-22	10-May-22	18-May-22	18-May-22	20-May-22	25-May-22	
20-May-22	25-May-22	6-Jun-22	7-Jun-22	15-Jun-22	15-Jun-22	17-Jun-22	22-Jun-22	
17-Jun-22	22-Jun-22	8-Jul-22	12-Jul-22	19-Jul-22	22-Jul-22	22-Jul-22	27-Jul-22	
22-Jul-22	27-Jul-22	12-Aug-22	9-Aug-22	17-Aug-22	17-Aug-22	19-Aug-22	24-Aug-22	
26-Aug-22	7-Sep-22	16-Sep-22	13-Sep-22	20-Sep-22	23-Sep-22	23-Sep-22	28-Sep-22	
23-Sep-22	28-Sep-22	7-Oct-22	11-Oct-22	18-Oct-22	21-Oct-22	21-Oct-22	*26-Oct-22	
11-Nov-22	16-Nov-22	9-Dec-22	5-Dec-22	13-Dec-22	14-Dec-22	14-Dec-22	21-Dec-22	
*changed due to holidays								
** Article 5.2.3 Information to be delivered with the staff report should be submitted no less than fifteen (15) days prior to the meeting								
** Article 5.3 All parties shall be allowed to submit documents into public record up to no less than five (5) days prior to the meeting								
** APC Rules of Procedure states that the notice in the paper shall appear no less than fifteen (15) days prior to the public meeting								

*Version Dated November 3, 2022*

### Boone County Area Plan Commission

116 Washington Street, Room 101

Lebanon, IN 46052

Phone (765) 482-3821 \* Fax (765) 483-5241

[www.boonecounty.in.gov/apc](http://www.boonecounty.in.gov/apc)

# Appeal of Director's Decision Application

For Office Use Only: **FILE NUMBER**

\_\_\_\_\_- 15 -\_\_\_\_\_  
Year Twp File #

## 1. Petitioner(s)

Check one: ☐ owner ☐ agent ☐ lessee ☐ contract purchaser ☐ other \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

## 2. Applicant's Contact Person or Attorney and Project Engineer (if any)

Contact Person/ Attorney Name: \_\_\_\_\_

Project Engineer: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

## Appeal of Director's Decision Request

Reason for appeal: \_\_\_\_\_

**The undersigned states the above information is true and correct as (s)he is informed and believes.**

Signature(s) of Applicant(s): \_\_\_\_\_

Date: \_\_\_\_\_

## Notary Statement

Sworn to and subscribed before me the

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public in and for the State of Indiana.

\_\_\_\_\_  
Notary Public / Printed

Seal

My commission expires: \_\_\_\_\_

### For Office Use Only

Date Filed: \_\_\_\_\_

Public Notice: \_\_\_\_\_

Newspaper Ad: \_\_\_\_\_

Date of BZA Hearing: \_\_\_\_\_

Decision of BZA: ☐ unfavorable ☐ favorable ☐ favorable with conditions

Conditions: \_\_\_\_\_

# Boone County Board of Zoning Appeals

## Appeal of Directors Decision

### Form: Notice of Public Hearing for Newspaper

*This information along with the Legal Description is to be published one time in either the Lebanon Reporter or the Zionsville Times Sentinel. The publication is to be at least 25 days prior to the public hearing of the BZA according to the Application Schedule. Contact each newspaper for their individual deadlines for publication submittals.*

- Lebanon Reporter - daily publication. (765) 482-4650. Legal notices are due by 12:00 noon five days in advance of the desired publication date.
- Zionsville Times Sentinel - Wednesday only publication. (317) 873-6397. Legal notices are due by 5:00pm on the Friday before the Wednesday publication.

This is to inform you that the Boone County Area Board of Zoning Appeals will hold a Public Hearing on

\_\_\_\_\_, 20\_\_ at 7:00p.m. at the \_\_\_\_\_  
(date)  
\_\_\_\_\_, Lebanon, Indiana. Call (765) 482-3821 for the exact location should a conflict occur.

The application submitted by \_\_\_\_\_ requests an Appeal of Directors  
Decision \_\_\_\_\_  
(applicant)

to \_\_\_\_\_ acres of property located in \_\_\_\_\_ Township at  
(acreage)  
\_\_\_\_\_, and which is more specifically described  
(property address/location)  
in the following legal description. The request is for the purpose of:

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Information regarding this application can be viewed at the Boone County Area Plan Commission Office, 116 Washington Street, Lebanon, Indiana on or before such hearing. Written suggestions or objections relevant to the application may be filed up to five days prior to the hearing. Interested persons desiring to present their views verbally will be given the opportunity to be heard at the above mentioned time and place.

Applicant: \_\_\_\_\_

## Boone County Board of Zoning Appeals

### Appeal of Directors Decision

## Form: Notice of Public Hearing for Surrounding Property Owners

*This information along with the legal description, site plan, and Notice of Public Hearing brochure is be mailed to each of the surrounding property owners on the list supplied by staff.*

This is to inform you that the Boone County Area Board of Zoning Appeals will hold a Public Hearing on

\_\_\_\_\_, 20\_\_ at 7:00p.m. at the \_\_\_\_\_  
(date) \_\_\_\_\_ Lebanon, Indiana. Call (765) 482-3821 for the exact location should a conflict occur.

The application submitted by \_\_\_\_\_ requests an Appeal of Directors  
Decision

to \_\_\_\_\_ acres of property located in \_\_\_\_\_ Township at  
(acreage) \_\_\_\_\_  
(property address/location) \_\_\_\_\_, and which is more specifically described  
in the following legal description. The request is for the purpose of:

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Information regarding this application can be viewed at the Boone County Area Plan Commission Office, 116 Washington Street, Lebanon, Indiana on or before such hearing. Written suggestions or objections relevant to the application may be filed up to five days prior to the hearing. Interested persons desiring to present their views verbally will be given the opportunity to be heard at the above mentioned time and place.

Applicant: \_\_\_\_\_